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30 **WEST VALLEY STAFFING GROUP**

31 **UNITED STATES DISTRICT COURT**
32
NORTHERN DISTRICT OF CALIFORNIA

33 DEMETRIC DI-AZ, OWEN DIAZ and LAMAR
34 PATTERSON, an individual

35 Plaintiff,

36 vs.

37 TESLA, INC. DBA TESLA MOTORS, INC.;
38 CITISTAFF SOLUTIONS, INC.; WEST VALLEY
39 STAFFING GROUP; CHARTWELL STAFFING
40 SERVICES, INC. and DOES 1-10, inclusive,

41 Defendants.

42 CASE NO.: 3:17-cv-06748-WHO

43 **STIPULATION AND [PROPOSED] ORDER**
44 **ALLOWING PLAINTIFFS TO FILE AN**
45 **AMENDED COMPLAINT TO ADD NEW**
46 **PARTY NEXTSOURCE, INC. AS A**
47 **DEFENDANT; AND TO CONTINUE TRIAL**
48 **DATE FROM MAY 13, 2019 TO OCTOBER**
49 **28, 2019, AND TRIAL-RELATED**
50 **DEADLINES**

51 [Assigned to Hon. William H. Orrick]

52 Complaint File: October 16, 2017

53 Trial Date: May 13, 2019

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STIPULATION

Plaintiffs Demetric Di-az and Owen Diaz (collectively “Plaintiffs”), Defendant Tesla, Inc. dba Tesla Motors, Inc. (“Tesla”), Defendant CitiStaff Solutions, Inc. (“CitiStaff”) and Defendant West Valley Staffing Group (“West Valley”) (collectively the “Parties”) hereby stipulate as follows:

WHEREAS, on June 11, 2018 the Parties attended a court mandated mediation that did not result in a settlement;

WHEREAS, on October 16, 2018, the Parties attended a private mediation that did not result in a settlement;

WHEREAS, the parties agreed to conduct limited discovery prior to attending the June 11, 2018 court mandated mediation, and conducted limited discovery prior to the October 16, 2018 private mediation;

Leave to Amend Complaint

WHEREAS, Plaintiffs took the deposition of Monica DeLeon, a former Citistaff employee, on December 6, 2018;

WHEREAS, Plaintiffs seek to add nextSource, Inc. as a Defendant in this action based on new information obtained from Ms. DeLeon during her deposition;

WHEREAS. Plaintiffs have not previously amended their Complaint in this matter;

WHEREAS, Plaintiffs agree to file the attached Amended Complaint adding nextSource, Inc. as a Defendant in this matter on or before December 28, 2018 (See Amended Complaint for Damages attached as Exhibit 1);

NOW THEREFORE, the Parties, by and through their respective counsel, hereby stipulate and agree, and respectfully request, that the Court issue an order granting Plaintiffs leave to file the attached Amended Complaint effective December 28, 2018;

Continuing Trial and Pre-Trial Deadlines

WHEREAS, trial in this matter is set for May 13, 2019;

WHEREAS, the current pre-trial schedule in this matter is as follows:

- January 11, 2019: Fact discovery cutoff; expert disclosures due
- February 14, 2019: Dispositive motion hearing deadline

STIPULATION AND [PROPOSED] ORDER ALLOWING PLAINTIFFS TO FILE AN AMENDED COMPLAINT; TO CONTINUE TRIAL DATE AND RELATED DEADLINES

1 • February 18, 2019: Rebuttal expert disclosures due
2 • February 25, 2019: Expert discovery cutoff

3 **WHEREAS**, the Parties have not previously requested any continuances in this case and the
4 Court has not previously continued any dates in this case;

5 **NOW THEREFORE**, the Parties, by and through their respective counsel, hereby stipulate
6 and agree, and respectfully request, that the Court issue an order continuing the trial to October 28,
7 2019, and continuing the Pre-Trial Conference to October 1, 2019, and the pre-trial discovery and
8 dispositive motion deadlines as follows:

9 • June 28, 2019: Fact discovery cutoff; expert disclosures due
10 • July 26, 2019: Dispositive motion hearing deadline
11 • July 31, 2019: Rebuttal expert disclosures due
12 • August 7, 2019: Expert discovery cutoff
13 • October 1, 2019: Pre-Trial Conference

14 **IT IS SO STIPULATED.**

15
16 DATED: December 14, 2018

CALIFORNIA CIVIL RIGHTS LAW GROUP

17 By: /s/ Navruz Avloni
18 Lawrence A. Organ
19 Navruz Avloni
20 Attorneys for Plaintiffs
21 DEMETRIC DI-AZ and OWEN DIAZ

22
23 DATED: December 14, 2018

PAHL & MCCAY

24 By: /s/ Helene Simvoulakos-Panos
25 Fenn C. Horton III
26 Helene Simvoulakos-Panos
27 Attorneys for Defendant
28 WEST VALLEY STAFFING GROUP

STIPULATION AND [PROPOSED] ORDER ALLOWING PLAINTIFFS TO FILE AN
AMENDED COMPLAINT; AND TO CONTINUE TRIAL DATE FROM MAY 13, 2019 TO
OCTOBER 28, 2019, AND TRIAL-RELATED DEADLINES

1 DATED: December 14, 2018

CONSTANGY, BROOKS, SMITH & PROPHETE, LLP

2 By: /s/ Barbara Antonucci

3 Barbara Antonucci

4 Attorneys for Defendant

TESLA INC. DBA TESLA MOTORS, INC.

5 DATED: December 14, 2018

CONSTANGY, BROOKS, SMITH & PROPHETE, LLP

6 By: /s/ Barbara Antonucci

7 Barbara Antonucci

8 Attorneys for Defendant

9 CITISTAFF SOLUTIONS, INC.

10 **[PROPOSED] ORDER**

11 Based upon the foregoing Stipulation, and for good cause appearing thereon, the Court orders
12 as follows:

- 13 1. Plaintiffs may file the Amended Complaint for Damages adding nextSource, Inc. as a
14 party to this action, as attached in Exhibit 1 of the Stipulation, on or before December 28,
15 2018;
- 16 2. The trial in this case is continued to October 28, 2019;
- 17 3. The Pre-Trial Conference is continued to October 1, 2019;
- 18 4. The pre-trial deadlines in this case are continued as follows:
 - 19 • June 28, 2019: Fact discovery cutoff; expert disclosures due
 - 20 • July 26, 2019: Dispositive motion hearing deadline
 - 21 • July 31, 2019: Rebuttal expert disclosures due
 - 22 • August 7, 2019: Expert discovery cutoff.

23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24 DATED: _____

25 Hon. William H. Orrick

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28 STIPULATION AND [PROPOSED] ORDER ALLOWING PLAINTIFFS TO FILE AN
AMENDED COMPLAINT; AND TO CONTINUE TRIAL DATE FROM MAY 13, 2019 TO
OCTOBER 28, 2019, AND TRIAL-RELATED DEADLINES